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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARCOS R. MILLER LOREDO,

Plaintiff

v.

MARTIN O'MALLEY,  
 Commissioner of Social Security,

Defendant

Case No. 2:23-cv-01882-CDS-NJK

**STIPULATION TO VOLUNTARY  
 REMAND PURSUANT TO  
 SENTENCE FOUR OF 42 U.S.C. §  
 405(g) AND TO ENTRY OF  
 JUDGMENT FOR PLAINTIFF**

[ECF Nos. 14, 18]

The parties, through their respective counsel, stipulate to the following matters. The Commissioner's final decision should be reversed and remanded for further administrative proceedings before an Administrative Law Judge (ALJ). The ALJ should further develop the record, as appropriate, offer Plaintiff the opportunity for a new hearing, and issue a new decision. Based on the updated record, the ALJ should reevaluate Plaintiff's statements, the medical evidence, and the step-five finding, as necessary.

Remand should be made under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*,

501 U.S. 89 (1991). Plaintiff should be entitled to reasonable attorney fees and expenses pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court. Plaintiff should be entitled to costs as enumerated in 28 U.S.C. § 1920, under 28 U.S.C. § 2412(a).

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff and against Defendant, reversing the Commissioner's final decision.

Dated: May 1, 2024

Respectfully submitted,

/s/ Matthew McGarry  
MATTHEW McGARRY  
(\*as authorized via email)  
Attorney for Plaintiff

Dated: May 1, 2024

Respectfully submitted,

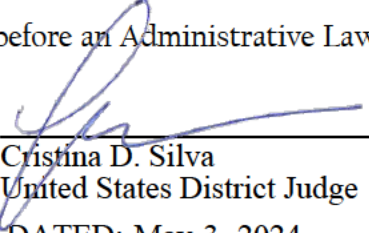
JASON M. FRIERSON  
United States Attorney

/s/ Jeffrey E. Staples  
JEFFREY E. STAPLES  
Special Assistant United States Attorney  
Attorneys for Defendant

ORDER

IT IS ORDERED that the parties' stipulation to remand [ECF No. 18] is GRANTED. IT IS FURTHER ORDERED that the plaintiff's motion to remand [ECF No. 14] is DENIED as moot.

The Clerk of the Court is directed to enter final judgment in favor of plaintiff Marcos R. Miller Loreda and against defendant Martin O'Malley, reversing the Commissioner's final decision, to remand this matter for further administrative proceedings before an Administrative Law Judge, and to close this case.

  
Cristina D. Silva  
United States District Judge  
DATED: May 3, 2024